

1 RENE L. VALLADARES  
Federal Public Defender  
2 State Bar No. 11479  
RACHEL KORENBLAT  
3 Assistant Federal Public Defender  
411 E. Bonneville Avenue, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Phone  
5 (702) 388-6261/Fax

6 Attorneys for Scott Wheeler

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 \* \* \*

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 SCOTT WHEELER,

14 Defendant.

2:13-cr-084-APG-PAL

**UNOPPOSED MOTION FOR A  
REISSUED COURT ORDER FOR  
SUBPOENAS COMPELLING  
PRODUCTION OF POLICE REPORTS  
AND VIDEOS FOR BARNEY'S  
DEPLOYMENTS**

**(Expedited Treatment Requested)**

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18 Comes now the defendant, Scott Wheeler, by and through his counsel of record, RACHEL  
19 KORENBLAT, Assistant Federal Public Defender, and hereby moves this Honorable Court to  
20 reissue its Order for subpoenas dated January 27, 2014. (CR # 58.) On December 19, 2013, Mr.  
21 Wheeler filed a Motion for a Court Order for Subpoenas or Court Order Compelling Production of  
22 Police Reports and Videos of Barney's Deployments ("Motion for Subpoena" or "Motion") in  
23 relation to his pending Motion to Suppress. (CR ## 53, 34.) This Motion requested the same items  
24 herein – both police reports and videos of the deployments of the drug detection canine Barney by  
25 the Las Vegas Metropolitan Police Department and/or the Nevada Highway Patrol. The Motion  
26 attached proposed subpoenas, but the subpoenas inadvertently requested only the police reports. (See  
27 CR # 53 at Ex. C.) The subpoenas omitted the request for videos. (*Id.*) The government did not

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1 oppose Mr. Wheeler's request for subpoenas for both the police reports and videos. (*See* CR # 55  
2 at 1:22-24.)

3 On January 27, 2014, this Court granted Mr. Wheeler's Motion for Subpoena "to the extent  
4 that the subpoenas . . . may be issued." (CR # 58 at 1:19-21.) The Order attached the subpoenas  
5 from Mr. Wheeler's Motion. While preparing to serve the subpoenas, the undersigned noticed that  
6 the subpoenas neglected to request both items sought by the Motion – police reports and videos.  
7 Accordingly, this motion attaches corrected subpoenas as Exhibit A. The subpoenas attached hereto  
8 includes the request for both reports and videos. The attached subpoenas also update the date by  
9 which the items are due to be produced.<sup>1</sup> Thus, Mr. Wheeler respectfully requests that the Court  
10 reissue its Order with the attached subpoenas. The government does not oppose this request.


11 DATED this 6th day of February, 2014.

12 Respectfully submitted by,

13 RENE L. VALLADARES  
14 Federal Public Defender

15 By: /s/ Rachel M. Korenblat  
16 RACHEL M. KORENBLAT  
17 Assistant Federal Public Defender

18  
19  
20 **IT IS SO ORDERED** this 10th  
21 day of February, 2014.

22   
23 Peggy A. Leen  
24 United States Magistrate Judge

25  
26 <sup>1</sup>The attached subpoenas are returnable on February 25, 2014 – the current date set  
27 for the evidentiary hearing on Mr. Wheeler's Motion to Suppress. Mr. Wheeler will need additional  
28 time to organize and review the requested items, which will likely be voluminous, prior to the  
evidentiary hearing. Thus, Mr. Wheeler anticipates that the parties will submit another stipulation  
to extend out the hearing date.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Law Offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on February 6, 2014, she served an electronic copy of the above and foregoing **UNOPPOSED MOTION FOR A REISSUED COURT ORDER FOR SUBPOENAS COMPELLING PRODUCTION OF POLICE REPORTS AND VIDEOS FOR BARNEY'S DEPLOYMENTS (Expedited Treatment Requested)** by electronic service (ECF) to the persons named below:

DANIEL G. BOGDEN  
United States Attorney  
AMBER M. CRAIG  
Assistant United States Attorney  
333 Las Vegas Blvd. So., 5th Floor  
Las Vegas, Nevada 89101

/s/ Karen Meyer  
Employee of the Federal Public Defender

# EXHIBIT A

EXHIBIT A

AO 89 (Rev. 10-1-93)

**United States District Court**DISTRICT  
OF

NEVADA

United States of America,

Plaintiff

v.

Scott Wheeler

Defendant

**SUBPOENA IN A CRIMINAL CASE**

CASE NUMBER: 2:13-CR-084-APG-PAL

TO: Custodian of Records  
 Nevada Highway Patrol -Southern Command  
 4615 West Sunset Road  
 Las Vegas, NV 89118

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE OF TESTIMONY

Lloyd D. George United States Courthouse  
 333 Las Vegas Boulevard South  
 Las Vegas, Nevada 89101

COURTROOM

3-B

DATE AND TIME

02/25/2014 1:45pm or as ordered by court

OR AS DIRECTED BY COUNSEL

☒ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Please provide copies of all police reports and videos related to deployment of NHP K-9 "Barney" under the event numbers listed in the attached "Subpoena Exhibit A."

Please also provide police reports and videos related to deployments of K-9 "Barney" on the dates listed in the attached "Subpoena Exhibit B."

In lieu of personal appearance, production of the requested records as directed by the attached court order will satisfy this subpoena.

You may contact Assistant Federal Public Defender Rachel Korenblat at 702-388-6577 if you have any questions about this subpoena.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

DATE

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02/06/2014

(BY) DEPUTY CLERK

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER

Law Offices of the Federal Public Defender  
 411 E. Bonneville, Suite 250  
 Las Vegas, Nevada 89101 (702) 388-6577

**Subpoena Exhibit A**

130101-1631	131010-1463
	131010-2684
130201-4009	121010-2187
130221-1447	131016-2474
130221-1920	131016-2684
130225-3408	131016-3541
	131021-2784
130311-2908	131021-3394
130314-1732	131013-3677
130331-2993	131014-3101
130306-3150	131022-4156
130423-3245	131104-2832
130429-2775	131104-3873
130430-0820	131107-2123
130528-4439	
130605-3421	
130620-3212	
130716-1651	
130917-3264	
130918-2991	
130918-3176	
130924-4353	
130903-3075	
130915-3112	
130917-4254	
130918-2991	
130922-3232	

**Subpoena Exhibit B**

07/15/2013

07/23/2013

08/04/2013

08/11/2013

08/14/2013

08/27/2013

09/02/2013

09/08/2013

09/09/2013

09/10/2013

09/23/2013

09/24/2013

10/08/2013

10/30/2013

# United States District Court

DISTRICT  
OF

NEVADA

United States of America,

Plaintiff

v.

Scott Wheeler

Defendant

## SUBPOENA IN A CRIMINAL CASE

CASE NUMBER: 2:13-CR-084-APG-PAL

TO: Custodian of Records  
Las Vegas Metropolitan Police Department  
400 S. Martin Luther King Blvd.  
Las Vegas, NV 89106

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below, or any subsequent place, date and time set by the court, to testify in the above referenced case. This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

PLACE OF TESTIMONY

Lloyd D. George United States Courthouse  
333 Las Vegas Boulevard South  
Las Vegas, Nevada 89101

COURTROOM

3-B

DATE AND TIME

02/25/2014 1:45pm or as directed by court

OR AS DIRECTED BY COUNSEL

☒ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Please provide copies of all police reports and videos held by you related to deployment of drug detection K-9 "Barney" under the event numbers listed in the attached "Subpoena Exhibit A".

Please also provide police reports and videos related to deployments of K-9 "Barney" on the dates listed in the attached "Subpoena Exhibit B" for which event numbers have not been previously provided.

In lieu of personal appearance, production of the requested records as directed by the attached court order will satisfy this subpoena.

You may contact Assistant Federal Public Defender Rachel Korenblat at 702-388-6577 if you have any questions about this subpoena.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

LANCER

DATE

02/06/2014

(BY) DEPUTY CLERK

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER

Law Offices of the Federal Public Defender  
411 E. Bonneville, Suite 250  
Las Vegas, Nevada 89101 (702) 388-6577

**Subpoena Exhibit A**

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	131021-2784
130311-2908	131021-3394
130314-1732	131013-3677
130331-2993	131014-3101
130306-3150	131022-4156
130423-3245	131104-2832
130429-2775	131104-3873
130430-0820	131107-2123
130528-4439	
130605-3421	
130620-3212	
130716-1651	
130917-3264	
130918-2991	
130918-3176	
130924-4353	
130903-3075	
130915-3112	
130917-4254	
130918-2991	
130922-3232	

**Subpoena Exhibit B**

07/15/2013

07/23/2013

08/04/2013

08/11/2013

08/14/2013

08/27/2013

09/02/2013

09/08/2013

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09/24/2013

10/08/2013

10/30/2013